

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802645/WO/1	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/012652	International filing date (<i>day/month/year</i>) 09.11.2004	Priority date (<i>day/month/year</i>) 09.12.2003	
International Patent Classification (IPC) or national classification and IPC B21D26/02			
Applicant DAIMLERCHRYSLER AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 5–7 as originally filed/furnished 30.09.2005 with letter
 pages* 1–4 received by this Authority on of 23.09.2005
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19 30.09.2005 with letter
 nos.* 1–4 received by this Authority on of 23.09.2005
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/3–3/3 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. 5–9 _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.	PCT/EP2004/012652
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1 – 4	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1 – 4	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1 – 4	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document:

D1: DE 199 44 722 A1 (PANKNIN, WALTER; HOFFMANN, HARTMUT; HOOGEN, MICHAEL) 12 April 2001.

2. **The subject matter of claim 1 is novel and inventive.**

Document D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references in parentheses are to document D1):

a method for operating a device for the hydroforming of a blank (5) using a high-pressure fluid, with a tool (1, 2) comprising a space for accommodating the blank (5).

Thus, the subject matter of claim 1 differs from the known method in that, **before a blank is formed**, residual fluid in the tool-accommodating space is carried away via the channel that leads from said space, and in that lubricant is then

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PCT/EP2004/012652**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

supplied to the tool-accommodating space and high-pressure fluid is applied to the interior of the blank.

The subject matter of claim 1 is therefore **novel** (PCT Article 33(2)).

The problem addressed by the present invention can consequently be regarded as that of preventing subsequently impaired operation: residual fluid accumulates in the fluid and then impairs the forming process.

The solution to the above problem, as proposed in claim 1 of the present application, is not known from the prior art nor is it rendered obvious thereby. The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).

Claim 2 is dependent on claim 1 and, in consequence, likewise satisfies the requirements of the PCT in respect of novelty and **inventive step**.

3. **The subject matter of claim 3 is novel and inventive.**

For the same reasons as those applying in respect of claim 1, the subject matter of claim 3 is novel and inventive.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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Claim 4 is dependent on claim 3 and, in consequence, likewise satisfies the requirements of the PCT in respect of novelty and inventive step.